

DD/A Registry

80-0181/3

1 MAY 1981

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM : Harry E. Fitzwater

Director of Personnel Policy,
Planning, and Management

SUBJECT : Flexible and Compressed Work Schedule

80-6809

1. Action Requested: It is requested that you approve a change in Agency policy regarding flexible and compressed work schedules.

2. Background:

a. The Flexible and Compressed Work Schedules Act of 1978 permitted Federal agencies to experiment with alternative work schedules and to waive certain overtime requirements contained in both Title 5 U.S.C. and the Fair Labor Standards Act (FLSA). The Act also made the Office of Personnel Management (OPM) responsible for defining the information needed to evaluate experiments with alternative work schedules and required agencies to report the results of their experiments to OPM.

b. Before OPM published the reporting requirements for experiments with flexible and compressed work schedules, it was decided that a sufficient number of variations of alternative work schedules were possible for experimentation that the Agency would not have to participate under the Act of 1978, thereby avoiding reports to OPM which may have compromised our security. To experiment with alternative work schedules under our own authority and still comply with FLSA, flexible and compressed work schedules had to be established within the framework of the 40-hour workweek.

c. In October 1980, you approved of the Agency experimenting with flexible and compressed work schedules in [redacted] Many components are currently experimenting with a variety of alternative work schedules. Some components have expressed a desire to establish a 5/4-9 compressed work schedule (for example, see attached letter from D/NFAC dated 29 February 1980). This has become popular in a number of other agencies. A 5/4-9 plan cannot be established under current CIA authority since this plan requires a framework of 80-hours in a pay period (that is, 45 hours the first week and 35 hours the second week), and our current policy requires that experiments use a framework of 40-hours in a workweek. Under the FLSA hours worked in excess of 40 in a workweek must be considered overtime. One of the purposes of the Flexible and Compressed Work Schedules Act of 1978 is to allow agencies to experiment with alternative work schedules without incurring overtime costs.

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d. As a result of frequent contacts with OPM, Position Management and Compensation Division learned that a draft of the reporting requirements had been prepared. A review of the reporting requirements revealed that they would not compromise our security. Further exploration with OPM also revealed that the Agency could participate under the Act of 1978 and thus be exempt from some of the overtime requirements of the FLSA. This exemption from overtime would allow the Agency to use an 80-hour pay period as a framework for experimenting with alternative work schedules.

3. Recommendation: I recommend that, upon notification to and acceptance by OPM of the Agency's request to participate in the Government-wide experiments being conducted under the Flexible and Compressed Work Schedules Act of 1978, the Agency's framework for experimenting with alternative work schedules be changed from a 40-hour workweek to an 80-hour pay period.

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Harry E. Fitzwater

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Attachment



APPROVED:

Deputy Director of Central Intelligence

DISAPPROVED:

Deputy Director of Central Intelligence

DATE:

4 APR 1980

Distribution:

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